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09/904,062	07/12/2001	Uday P. Nadkarni	P21,411-B USA	8050
7590	02/27/2006		EXAMINER	
Synnestvedt & Lechner LLP 2600 Aramark Tower 1101 Market Street Philadelphia, PA 19107-2950				COBY, FRANTZ
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**MAILED**

Application Number: 09/904,062

Filing Date: July 12, 2001

Appellant(s): NADKARNI, UDAY P.

**FEB 27 2006**

**Technology Center 2100**

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Stephen J. Driscoll  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed on December 19, 2005 appealing from the Office action mailed on March 01, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

**GROUNDS OF REJECTION NOT ON REVIEW**

The following grounds of rejection have not been withdrawn by the examiner, but they are not under review on appeal because they have not been presented for review in the appellant's brief. Claims 21-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor U.S. Patent no. 5,832,497; and Claims 21-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartman et al. U.S. Patent no. 5,758,324.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

US 5,832,497	TAYLOR	11-1998
US 5,758,324	HARTMAN et al.	5758324

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 21-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor U.S. Patent no. 5,832,497; and Claims 21-39 are also rejected under 35 U.S.C. 102(e) as being anticipated by Hartman et al. U.S. Patent no. 5,758,324.

As per claim 21, Taylor discloses in Col. 1-Col. 7 "A method of exchanging employment information, said method comprising the following steps: (a) configuring a search query by prompting a user to specify parameters in one or more predetermined fields', (b) searching a database using said search query containing said parameters in one or more predetermined fields; and (c) outputting results of the search" by providing a computer implemented information exchange and management system for network operation - includes iterative database query engine that is connected to memory and processing controller to permit initial search and subsequent search. The system of Taylor includes database (105) of personal information, which is stored in electronically readable memory. Another database (103) of position information is stored in electronically readable memory. The database (103) is the job database containing several job records with search key fields. The database (105) is a resume database comprised by several records containing information suitable for employment applications. A communication port (102) transmits and receives data and instructions in the form of electrical signals to and from the remote computers. A database manager, creates and revises records of the database connected to the memory, in response to remote computer. An iterative database query engine (106) is connected to the memory and is configured to permit an initial search and one subsequent search. The subsequent search is performed on results of the initial search. The iterative database query engine includes searching unit for searching on several searches key fields of database for satisfying one or more conditions. A reporting unit for reporting all variables in search key fields of record for satisfying one or more conditions is provided.

A processing controller (101) is connected to the database manager, iterative database query engine and the communication pod. A relating unit relates the record of the database (105) to record of database (103). An accounting system (107) is connected to the processing controller; in particular, the System of Taylor is used for posting job advertisement and managing application and submission of resumes, application letter and other relevant information. Further, the system of Taylor facilitates creation of resume record and designation of resume record for accessible resume base or selected job record and permits query resume base to identify recruitment candidates for job positions. Eases interaction and permits rapid response.

As per claims 22-39, all the limitations of these claims have been addressed in the rejection of claim 21 as summarized above. They are therefore rejected as set forth above.

Claims 21-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartman et al. U.S. Patent no. 5,758,324.

As per claims 21-39, Hartman et al. discloses in Col. 3-Col. 13 "A method of exchanging employment information, said method comprising the following steps: (a) configuring a search query by prompting a user to specify parameters in one or more predetermined fields; (b) searching a database using said search query containing said parameters in one or more predetermined fields; and (c) outputting results of the

search" by providing a resume storage and retrieval system using client server technique, the system has database in which resume information along with graphical file is stored which is searched in response to search request output by employer client machine. The system (10) includes an applicant client machine (26), which performs selective communication with a server (12). Resume form with number of fields relevant to employment is stored. The applicant selectively fills out the fields, the resume forms, using the typical information. Then, the completed resume is memorized by the client machine and transmitted it to the server. The transmitted information also includes graphics file that comprises formatting for pictorial information. The server receives the resume information and stores it in the database (16). Also, Hartman et al. provides an employer client machine, which is selectively communicated with the server, which selectively outputs search request to the server according to the search request the memorized resume information is searched with the help of keywords. The keyword includes some predetermined search parameter. After completion of the searching the server links with employer client machine and transmits memorized information that satisfies the search parameters. The server also transmits query request to employer client machine whether the transmitter graphics files of resume satisfy the search parameters. One advantage of Hartman et al. system is that it improves search efficiently and greatly.

As per claims 22-39, all the limitations of these claims have been addressed in the rejection of claim 21 as summarized above. They are therefore rejected as set forth above.

#### **(10) Response to Argument**

The Applicant stated: "By way of background, Applicant replied to the initial office action of 7 May 2004 in which Taylor (US Patent No. 5,832,497) and Hartman et al. (US Patent No. 5,758,324) were cited as prior art by submitting a 37 C.F.R. 1.131 declaration (herein "1st Declaration," copy attached), swearing behind these patents to eliminate them as prior art references". It is noted, however, applicants fail to specifically point out or map specific portions that correspond to specific limitations of the pending claims 21-39 in the applicants' submitted window printouts of the Exhibits A-D. In 37 CFR 1.131(b) "The showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the reduction to practice or to the filing of the application. Original exhibits of drawings. It is further noted that the "1<sup>st</sup> Declaration" submitted by the Applicant, on October 12, 2004, in response to the first office action was referring to the cancelled claims 1-20 especially in the second paragraph of page 1 of the "1<sup>st</sup> Declaration". Therefore, the 1<sup>st</sup> declaration, as stand, is not related to the pending claims 21-39. The Applicant should duly note that Claims 1-20 were canceled in the communication of July 17, 2003.

The Applicant also argued “based on the Examiner’s reasoning provided in the Advisory Action, applicants submit that the Examiner has improperly rejected the 2nd Declaration. Specifically a review of the 2nd Declaration clearly shows that each and every element is correlated to the evidence submitted. Applicant submits that this fact is self-evident and requires no further elaboration. Accordingly, the Board is respectfully requested to overturn the Examiner’s rejection and find the 2nd Declaration sufficient to remove Taylor and Hartman et al. as references.” The Examiner respectfully submits that the Advisory action of July 07, 2005 specifically indicated that the second declaration, filed After-Final, was not timely filed and that the affidavit and other evidence filed after the final office action will not be entered because the Applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented (See 37 CFR 1.116(e)).

In view of the above, it is submitted that the claims of the present application stand rejected. Namely, Claims 21-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor U.S. Patent no. 5,832,497 and Claims 21-39 are also rejected under 35 U.S.C. 102(e) as being anticipated by Hartman et al. U.S. Patent no. 5,758,324.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Frantz Goby

Primary Examiner

Art Unit 2161

Conferees:



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